



Colorado  
Legislative  
Council  
Staff

HB16-1309

REVISED  
FISCAL NOTE

(replaces fiscal note dated March 21, 2016)

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**FISCAL IMPACT:**  State  Local  Statutory Public Entity  Conditional  No Fiscal Impact

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**Drafting Number:** LLS 16-0971  
**Prime Sponsor(s):** Rep. Lontine  
Sen. Marble

**Date:** April 6, 2016  
**Bill Status:** Senate SVMA  
**Fiscal Analyst:** Amanda Hayden (303-866-4918)

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**BILL TOPIC:** RIGHT TO COUNSEL IN MUNICIPAL COURT

### Summary of Legislation

The **reengrossed** bill requires municipal courts to appoint legal counsel to any defendant in custody and charged with an offense that carries a potential sentence of incarceration. Counsel must be present for the defendant's initial appearance unless he or she makes a knowing, intelligent, and voluntary waiver of his or her right to counsel. If the defendant remains in custody, he or she has a right to counsel until released. Once released, the defendant may apply for and the court must appoint an attorney if the defendant is deemed indigent and faces a potential sentence of incarceration.

The bill requires municipal courts to inform each defendant of his or her rights related to self-incrimination, counsel, trial by jury, pleas, bail, and the charges against him or her.

### Background

There are approximately 175 municipal courts across the state, which meet anywhere from daily to about once per month, depending upon the municipality.

### Local Government Impact

The bill increases expenditures in local governments by an indeterminate amount, as municipal courts will be required to provide counsel to any defendant held in custody. The bill may also decrease costs for local governments if appointing legal counsel is able to reduce the amount of time defendants spend in jail. Costs will depend upon several factors that vary across municipalities, including the number of defendants requiring court-appointed counsel, the number of hearings for defendants held in custody, and the hourly rate charged by attorneys to serve as counsel. While the fiscal note has not estimated these costs, reports from various municipalities indicate costs that range from \$12,000 per year in smaller municipalities to between \$20,000 and \$60,000 in larger municipalities.

### Effective Date

The bill takes effect August 10, 2016, if the General Assembly adjourns on May 11, 2016, as scheduled, and no referendum petition is filed.

**State and Local Government Contacts**

Information Technology  
Municipalities

Judicial  
Sheriffs